

Appeal Decision

Hearing held on 4 April 2017

Site visit made on 4 April 2017

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th May 2017

Appeal Ref: APP/N2345/W/16/3162028

JS Chickens (Bilsborrow) Ltd, Rabys Farm, Bilsborrow, Preston, PR3 0RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Miss Sarah Stuart against the decision of Preston City Council.
 - The application Ref 06/2016/0600, dated 5 July 2016, was refused by notice dated 30 August 2016.
 - The development proposed is an agricultural workers dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Preston City Council against Miss Sarah Stuart. This application is the subject of a separate Decision.

Procedural Matters

3. The application is in outline with all matters reserved for future consideration apart from access. A drawing showing an indicative layout was submitted with the application and I have had regard to this in determining the appeal.
4. Late evidence was submitted by both the Council and the appellant on the day of the hearing. The documents that were submitted are listed at the end of this Decision.
5. A revised site plan was submitted in March 2017, which included the track that runs along the eastern boundary within the land edged red, and shows how access would be obtained from the road to the north

Main Issue

6. The main issue is whether there is an essential need for a new dwelling to accommodate a rural worker.

Reasons

7. The agricultural workers dwelling is proposed in connection with JS Chickens (Bilsborrow) Ltd, which is an agricultural enterprise involved in the rearing of chickens. The chickens are reared in a single large shed, which the appellant
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states can accommodate 55,000 broiler chicks at a time. The business is located within the wider Rabys Farm complex, which includes at least one other agricultural enterprise in the same family ownership.

8. The business rears chicks from hatchlings over a 45 day cycle, resulting in 8 crops per annum. During each cycle, the chicks are 'thinned out' on 3 separate occasions to cater for different segments of the market. This is required to be undertaken at night in order to minimise the stress to the birds. The Council acknowledge that each business has its own catching arrangements and that 3 'thinning out' periods within a 45 day cycle is not unreasonable. Whilst contractors are employed to catch the birds, the appellant states that they need to be present on site in order to grant access, supervise the process, and to ensure that relevant bio-security arrangements are adhered to. Given the importance of this process to the operation of the business, this is not unreasonable in my view. Assuming 8 crops per annum, and 3 periods of 'thinning out' per cycle, this would lead to a requirement for an on-site presence on 24 nights per annum.
9. The environment within the shed is strictly controlled. For chicks under 10 days old, the temperature is kept within a narrow range either side of 33 degrees. If the temperature deviates significantly either above or below this figure, it can lead to a huddling behaviour which can result in the suffocation of a significant number of birds. The environment within the shed is regulated through a combination of heating and ventilation systems that adjust the temperature automatically. However, if the temperature rises or falls sufficiently, an alarm is generated to the appellant's mobile phone. The Council acknowledge that an alarm call necessitates a manual response in order to ensure the wellbeing of the stock. The supporting letter by Minister Poultry Vets also corroborates need for a manual response to an alarm.
10. A night log was submitted for 16-22 May 2016 that showed alarm calls on 4 nights in that week. Whilst the Council queried whether this frequency indicated a fault, it acknowledged that 1-2 night alarm calls per week would be considered typical. Using this figure, and assuming 8 crops a year, this would imply 51-103 alarm calls per annum necessitating a night time response.
11. In combination, the 'thinning out' periods and responses to alarm calls would be expected to require a night-time presence on 75 – 127 nights per annum. This is a significant proportion of the year, and is sufficient in my view to justify a presence on or close to the site.
12. In addition, the appellant contends that an onsite presence during the night is required for security purposes. In this regard, there have been 2 incidents that have been reported to the police since the business began operating more than 6 years ago. The entrance to the chicken rearing shed is away from the rest of the farm complex and a potential intruder is currently able to approach this shed without passing the existing farmhouse. However, whilst the proposed dwelling is located on the route to this entrance, it is some distance away from the entrance itself. It would also be some distance from the chicken rearing shed and does not have a direct view over the yard from which the chicken shed is approached. It would be relatively straightforward for a potential intruder to slip past the proposed dwelling unnoticed during the night, particularly given the background noise associated with the M6. It is therefore unclear whether occupants of this property would be significantly better placed

to respond to a security alert than the appellant's family members who currently reside in the main farmhouse. The Council also highlighted numerous commercial security systems that are available that would provide an appropriate level of security. For these reasons, I do not consider that a proposed dwelling is justified on security grounds.

13. Regardless of whether a need exists for a presence on or close to the site, a number of potential alternatives to a new dwelling were discussed during the hearing. In particular, members of the appellant's family currently reside in the main farmhouse at Rabys Farm. However, the appellant states that they are the only person trained to operate the temperature regulation equipment. Furthermore, they state that it is necessary to observe the behaviour of the birds to assess the extent of any problem when responding to an alarm call. This requires knowledge of the birds' behaviour and other events that have taken place during that day.
14. The appellant states that the chicken rearing business is their sole responsibility, and that they spend no more than 5% of their time working on the other agricultural businesses at Rabys Farm. I do not consider that it is reasonable for family members who are occupied full time in other agricultural businesses to respond to this number of alarm calls. In the event that the appellant were incapacitated for any reason, their insurance would provide contractors to manage the business until the end of the rearing cycle. This arrangement is appropriate in my view.
15. The village of Bilsborrow is located nearby on the other side of the M6. Whilst it was asserted that the cost of nearby properties is prohibitive, very limited evidence relating to local house prices has been submitted to corroborate this. The appellant also stated that an onsite presence would allow them to start a family as they would be unable to leave a child alone to respond to an alarm call. However, the proposed dwelling is some distance from the entrance to the chicken rearing shed, and offers limited advantages over a nearby existing property in this regard. In these circumstances, I am unable to conclude that the need for a localised presence cannot be met by an existing dwelling in the nearby area.
16. The Council also submitted late evidence at the hearing regarding an existing listed property within the Rabys Farm complex. This property had not previously been identified in either party's submissions. Whilst it is currently in a poor state of repair it was once used as a dwelling, although the appellant states that it has not been occupied as such for many years. It currently has a sheet metal roof, and appears to be used for storage associated with the farm. The appellant states that this property is earmarked for use as an office, and an application for a grant to fund its conversion has been made. However, this funding has not yet been secured, and there is no evidence before me of how advanced this application is or how likely it is to succeed. In addition, whilst the property previously had planning permission for conversion to an office, that permission has since lapsed. In these circumstances, I cannot regard it as being committed to an office use. There is also no detailed evidence before me regarding the costs associated with its restoration. Accordingly, it therefore represents a potential alternative dwelling within the Rabys Farm complex that could accommodate a rural worker. The potential availability of this property calls into question whether a new dwelling is required.

17. I acknowledge, however, that a caravan would not be an appropriate solution in this case. The business is now well established, and given the frequency of the overnight requirement, a caravan or other temporary home would not be appropriate.
18. Separately, it transpired at the hearing that an existing bungalow ('The Croft') adjacent to Rabys Farm was also within the family's ownership. However, this property is occupied by a family member who is a retired agricultural worker. This was not disputed by the Council, and the property appeared to be occupied and well maintained on my site visit. Given that this property is not available, it does not represent a potential alternative to the appeal proposal.
19. For the above reasons, I conclude that it has not been demonstrated that a new dwelling is required to accommodate a rural worker on the site. The development is therefore contrary to HS5 of the Preston Local Plan 2012-2026 Site Allocations & Development Management Policies (2015). This policy seeks to ensure, amongst other things, that new rural workers dwellings are only permitted where it can be demonstrated that there is an essential need for a worker to live on, or in the immediate vicinity of, the site.

Other Matter

20. The Council has not queried the economic viability of the business. The appellant submitted 3 years' worth of accounts with their appeal documentation, and whilst 2 of these years show a small loss, a third shows a profit of £71,774. The appellant states that these fluctuations in profit partly reflect the loss of an entire crop in one year, which was subsequently reimbursed by their insurer. Furthermore, an initial loan to fund the construction of the chicken rearing shed has now been repaid, and so future outgoings will not include interest payments. In these circumstances, I am satisfied that the business is an economically viable enterprise.

Conclusion

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Luke Godden	of ML Planning
Melanie Lawrenson	of ML Planning
Sarah Stuart	
Tracey Stuart	

FOR THE LOCAL PLANNING AUTHORITY:

Chris Blackburn	Senior Planning Officer
Kenny Dhillon	of ADAS

LATE EVIDENCE SUBMITTED AT THE HEARING

- 1 Letter of support from Minister Poultry Vets, dated 20 February 2017
- 2 Letter of support from Gafoor Pure Halal, dated 22 February 2017
- 3 Letter of support from the National Farmers Union, dated 24 February 2017
- 4 Letter from Preston City Council highlighting a potential alternative property within the Rabys Farm complex, dated 29 March 2017